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British Legislation
Law No. 17 of 1941
A Law to Provide for the Registration and Control of Trade
Unions and the Regulation of Trade Disputes.

19th November 1941.

Part I.

Preliminary.

1. This Law may be cited as the Trade Unions and Trade Disputes Law, 1941.
2. In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say:-
 - "committee of management" means the body by whatever name called to which the management of the affairs of a trade union is entrusted and includes the secretary and treasurer of any trade union;
 - "lock-out" means the closing of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;
 - "officer" when used with reference to a trade union, includes any member of the committee of management thereof, but does not include an auditor;
 - "register" means the register of trade unions kept and maintained by the Registrar under section 7;
 - "registered trade union" means a trade union registered under this Law;
 - "Registrar" means the person for the time being appointed by the Governor under section 4 of this Law by name or by office to be or to act as Registrar of Trade Unions;
 - "statutory objects" means the regulation of the relations between workmen and masters or between workmen and workmen, or between masters and masters, and also the provision of benefits to members of a trade union;
 - "strike" means the cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding of any number of persons who are, or have been so employed, to continue to work or to accept employment;
 - "trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person;
 - "trade union" means any combination whether temporary or permanent, the principal objects of which are, under its constitution, the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters whether such combination would or would not, if this Law had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its objects being in restraint of trade:

2.

Provided that nothing in this Law shall-

(a) affect-

- (i) any agreement between partners as to their own business or any trading agreement between employers,
- (ii) any agreement between an employer and those employed by him as to such employment,
- (iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft; or

(b) preclude any trade union from providing benefits for its members;

"workmen" means all person employed in agriculture, trade or industry whether or not in the employment of the employer with whom a trade dispute arises.

3. The fact that a combination has under its constitution objects other than statutory objects shall not prevent the combination being a trade union for the purposes of this Law, so long as the combination is a trade union as defined by this Law.

Part II

Appointment of Registrar and Other Officers.

4. -(1) The Governor shall appoint a Registrar of Trade Unions who shall be responsible for the due performance of the duties and functions assigned to him as Registrar under this Law.

(2) The Governor may appoint such other officers as may from time to time be required for the purposes of this Law.

5. A report on the preceding year's work of the Registrar and any other officers appointed under this Law shall be furnished to the Colonial Secretary by the Registrar on or before the 31st day of January in each year.

6. No suit shall lie against any person appointed under section 4 of this Law for anything done or omitted to be done by him in good faith without negligence and in intended exercise of any power or performance of any duty provided or imposed by this Law.

Part III

Registration.

7.-(1) The Registrar shall keep and maintain in such form as may be prescribed, a register of trade unions in which shall be entered the prescribed particulars relating to any registered trade union and any alteration or change which may from time to time be effected in the name, rules, officers or committee of management thereof or in the situation of the registered office thereof, and all such other matters as may be required to be entered therein under this Law.

3.

(2) A certified copy of any entry in the register shall be conclusive proof of the facts specified therein as on the date of such certified copy.

8.-(1) Upon the establishment of a trade union, it shall be the duty of the committee of management or the directing authority, by whatever name it may be called, of such union, to make application for registration within sixty days after the date of the establishment of such union. Any person who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds, and to an additional fine of the like amount for each week during which the omission continues.

(2) In the case of a trade union established at the date of the coming into force of this Law, this section shall apply as if the date of the coming into force of this Law were the date of the establishment of such union.

(3) When a fine is jointly and severally incurred under this section by any number of persons, every such person shall be liable to pay the whole fine unless the Court otherwise directs.

(4) The Registrar may, if he thinks fit, from time to time, grant an extension of the period specified in sub-section(1) of this section, provided that such period shall not, in any particular case, be so extended as to exceed a period of three months in the aggregate.

9.-(1) Every application for registration of a trade union shall be made to the Registrar in the prescribed form and shall be signed by at least seven members of the union, any of whom may be officers thereof.

(2) Uncancelled stamps to the value prescribed shall be affixed to every application for registration:

Provided that a trade union previously registered under the provisions of the Trade Union Law, 1932, shall not be required to pay a registration fee under this Law.

(3) Every application for registration shall be accompanied by two copies of the rules of the trade union and a statement of the following particulars, namely-

(a) the names, occupations and addresses of the members making the application;

(b) the name of the trade union and the address of its head office; and

(c) the titles, names, ages, addresses and occupations of the officers of the trade union.

(4) A trade union established before the commencement of this Law shall deliver to the Registrar, together with its application for registration, a general statement of the assets and liabilities of the trade union prepared in such form and containing such particulars as may be prescribed.

4.

10. The Registrar, if he is satisfied that a trade union applying for registration has complied with the provisions of this Law and of the regulations made thereunder and that the objects, rules and constitution of the union do not conflict with any of such provisions and are not unlawful, shall register the trade union in the prescribed manner:

Provided that if any one of the objects of such trade union is unlawful, the registration of the trade union shall be void:

Provided further that where a trade union applying for registration represents more than one trade or calling the Registrar shall not register such trade union without the sanction of the Governor in Council.

11. The Registrar, on registering a trade union under section 10 of this Law, shall issue to the trade union a certificate of registration the prescribed form, and such certificate, unless proved to have been cancelled or withdrawn, shall be conclusive evidence for all purposes that the trade union has been duly registered under this Law.

12. The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 9 of this Law or that the trade union is entitled to registration under this Law.

13. If the name under which a trade union is proposed to be registered is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive or mislead the public or the members of either trade union, the Registrar shall require the persons applying for registration to alter the name of the trade union stated in the application, and shall refuse to register the trade union until such alteration has been made.

14. The Registrar shall not register any combination as a trade union unless in his opinion, having regard to the constitution of the combination, the principal objects of the combination are statutory objects.

15. When the Registrar refuses to register a trade union he shall forthwith inform the applicants in writing of the grounds of his refusal.

16.-(1) An appeal shall lie to the Supreme Court from a refusal of the Registrar to register a trade union and on such appeal the Supreme Court may make any such order as it thinks proper, including any directions as to the costs of the appeal. Any such order of the Supreme Court shall be final.

(2) The Supreme Court may make rules governing such appeals, providing for the method of giving evidence, prescribing the time within which such appeals shall be brought, the fees to be paid, the procedure to be followed and the manner of notifying the Registrar of the appeal.

(3) The Registrar shall be entitled to be heard on any appeal.

17.-(1) No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar and in the following cases:-

(a) at the request of the trade union to be evidenced in such manner as the Registrar shall from time to time direct;

(b) on proof to the Registrar's satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union has become void under section 10 of this Law, or that such trade union has wilfully and after notice from the Registrar, violated any of the provisions of this Law, or has ceased to exist;

(c) if the constitution of the trade union has been altered in such a manner that, in the Registrar's opinion, the principal objects of the union are no longer statutory objects, or if in his opinion the principal objects for which the union is actually carried on are not statutory objects.

(2) Not less than two months previous notice in writing, specifying briefly the ground of any proposed withdrawal or cancelling of a certificate of registration shall (unless where the same is shown to have become void under section 10 of this Law, in which case it shall be the duty of the Registrar to cancel the same forthwith) be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

(3) an appeal from the decision of the Registrar under this section shall lie to the Supreme Court subject to the same conditions as are provided for an appeal against the refusal of the Registrar to register a trade union, and the Supreme Court may make rules providing for the same matters for which rules may be made in respect of such appeal. The decision of the Supreme Court shall be final.

18. If any trade union fails to apply for registration within the time stipulated by this Law or if the registration of any trade union is refused, withdrawn, cancelled, or becomes void under section 10 of this Law, then-

(a) the trade union shall not enjoy any of the rights, immunities or privileges of a registered trade union, but without prejudice to any liabilities incurred or to be incurred by the trade union which may be enforced against the union and its assets;

(b) the trade union shall not, nor shall any of its officers, members or agents on behalf of the union, take part in any trade dispute or promote, organize or finance any strike or lock-out, or provide pay or other benefits for its members during a strike or lock-out;

(c) the trade union shall be dissolved and its funds shall be disposed of in accordance with the rules of the union; and
(d) no person shall, except for the purpose of defending proceedings against the union or dissolving the union and disposing of its funds in accordance with the rules, take any part in its management or organization, or act or purport to act on behalf of the union or as an officer of the union.

PART IV CONSTITUTION

19.- (1) The rules of every registered trade union shall provide for all the matters specified in the First Schedule to this Law.

(2) A copy of the rules for the time being in force of any registered trade union shall be prominently exhibited at the registered office thereof and shall be furnished by the secretary of such trade union to any person on demand on payment of a sum not exceeding one shilling.

(3) A copy of every new rule and of every alteration made in the rules of a registered trade union shall be sent to the Registrar within seven days of the making of such rule or alteration and shall be registered by a Registrar on payment of the prescribed fee.

20.- (1) Every registered trade union shall have a registered office to which all communication and notices may be addressed.

(2) Notice of the situation of such a registered office, and of any change therein shall be given to the Registrar and shall be registered by him, and the trade union shall not be deemed to have complied with the provisions of this Law until such notice has been given.

(3) Every trade union which -

(a) operates without having a registered office, or without giving notice of the situation of its registered office as hereinbefore required; or

(b) operates at any place to which its registered office may have been removed, without having given notice of the change in the situation thereof to the Registrar, shall on conviction be liable to a fine not exceeding two pounds for every day during which it is so in operation, and every officer of any such trade union shall be liable to be convicted and fined a like amount in respect of the same offence.

21.- No person shall be admitted to membership any trade union who is not engaged in or working at a trade or calling to which the union relates.

22. A person under the age of twenty-one, but above the age of sixteen, may be a member of a trade union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of trade union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, a trustee or treasurer of the trade union.

23. A member of a registered trade union not being under the age of sixteen years may, by writing under his hand, delivered at, or sent to, the registered office of the trade union, nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator), to whom any moneys payable at the death of such member not exceeding fifty pounds shall be paid at his decease, and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

24. Notice of all changes of officers or of the title of any officer shall be prominently exhibited in the registered office of every registered trade union, and shall, within seven days after the change be sent to the Registrar by such trade union together with the prescribed fee, and the Registrar shall thereupon correct the register accordingly.

25. Any registered trade union may, with the approval in writing of the Registrar, change its name by the consent of not less than two-thirds of the total number of its members. No change of name shall affect any right or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

26. Notice of every change of name signed by the secretary and by seven members of the registered trade union changing its name, and accompanied by a statement on oath made before a Registrar of a District Court by such secretary that the provisions of this Law with regard to change of name have been complied with, shall be sent with the prescribed fee to the Registrar, and shall be registered by him, and until such change of name is so registered the same shall not take effect.

27. Any two or more registered trade unions may, if in the case of each or every such trade union, on a ballot being taken, the votes of at least two-thirds of the members entitle to vote thereat are recorded in favour of the proposal, apply to the Registrar for permission to become amalgamated together as one trade union with or without any dissolution or division of the funds of such trade unions or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

28.- (1) Application for permission to amalgamate under section 27 of this Law shall be signed by a secretary and by seven members of each and every registered trade union which is a party thereto and shall be forwarded to the Registrar together with two copies of the rules of the proposed trade union, and shall indicate-

- (a) the names of the trade unions desiring to amalgamate;
- (b) the number of members in each such trade union entitled to vote and the result of the ballot in each such trade union;
- (c) the arrangements proposed in regard to funds.

(2) If the Registrar is satisfied that the provisions of section 27 of this Law have been complied with that the arrangements as to funds are satisfactory, and that the trade union which is proposed to form is a combination which would satisfy in all respects the requirements of this Law, he shall, subject to the provisions of sub-section (7) of this section, notify the secretaries of the trade unions making the application that the proposed amalgamation may proceed.

(3) An application to register the trade union formed by the amalgamation of any two or more registered trade unions shall be made in accordance with the provisions of sub-sections (1) and (3) of section 9 of this Law, and shall be accompanied by uncanceled stamps to the value of the prescribed fee, and the Registrar upon being satisfied that the application is in order shall register such trade union.

(4) An application made under the last preceding sub-section shall be deemed to be in order if it departs in no essential particular from the application made under sub-section (1) of this section.

(5) When the Registrar refuses to entertain an application for permission to amalgamate or to register the trade union formed by the amalgamation of any two or more registered trade unions he shall forthwith inform the applicants in writing of the grounds of his refusal.

(6) Any person aggrieved by the refusal of the Registrar to entertain an application for permission to amalgamate or to register the trade union formed by the amalgamation of any two or more registered trade unions may appeal against such refusal to the Supreme Court subject to the same conditions as are provided for an appeal against the refusal of the Registrar to register a trade union, and the Supreme Court may make rules providing for the same matters for which rules may be made in respect of such appeal. The decision of the Supreme Court shall be final.

(7) where trade unions applying for permission to amalgamate represent more than one trade or calling no amalgamation shall be proceeded with without the sanction of the Governor in Council.

29. When a registered trade union is dissolved, notice of the dissolution signed by seven members and by the secretary of the trade union shall, within fourteen days of the dissolution, be sent to the Registrar and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the trade union, and the dissolution shall have effect from the date of such registration.

30.- (1) The rules of a registered trade union shall provide for the appointment or election of trustees and for the filling of vacancies in the office of trustee so that, as far as may be, there shall always be at least three trustees of the union.

(2) Any officer or member of a registered trade union over the age of twenty-one years may be a trustee thereof.

PART V
PROPERTY

31. All property movable or immovable, of a registered trade union shall be vested in its trustees for the use and benefit of the union and its members and shall be under the control of the trustees, and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any transfer, conveyance or assignment whatsoever.

32. The trustees of any trade union registered under this Law, or any other officer of such trade union who may be authorised so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint in any court of law, touching or concerning the property, right or claim to the property of the trade union; and shall and may, in all cases concerning the movable or immovable property of such trade union, sue and be sued, plead and be impleaded, in any court of law, in their proper names, without other description than the title of their office; and no such action, suit, prosecution or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them, but the same shall and may be proceeded in by their successor or successors as if such death, resignation or removal had not taken place; and such successors shall pay or receive the like costs as if the action, suit, prosecution or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union.

33. A trustee of any registered trade union shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but shall be liable only for the moneys which shall be actually received by him on account of such trade union.

34. Subject to any provision in its rules, it shall be lawful for a registered trade union to purchase or to take upon lease for the purposes of the union and in the names of its trustees any land not exceeding three donums in extent or any buildings and, subject to any law which may be applicable, to sell, exchange, charge or lease any such land or building which may be so purchased.

PART VI

FUNDS AND ACCOUNTS

35. Subject to the provisions of section 36 of this Law every trade union shall have power to apply the funds of the union for any lawful objects for the time being authorized under its rules

36.- (1) The funds of a trade union shall not be applied, either directly or in conjunction with any other trade union, association or body, or otherwise indirectly, in furtherance of any political object, other than the political objects hereinafter in this section specified, and unless the furtherance of those objects has been approved as an object of the union by a resolution for the time being in force passed on a ballot of the members of the union taken in accordance with the provisions of this section for the purpose by a majority for the members voting; and where such a resolution is in force, unless rules to be approved by the Registrar are in force providing-

(a) that any payments in the furtherance of those objects are to be made out of a separate fund (in this Law referred to as "the political fund");

(b) that a member who is exempt (in the manner hereinafter specified) from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of his being so exempt, and that contribution to the political fund of the union shall not be made a condition for admission to the union:

Provided that nothing in this sub-section contained shall be deemed to apply to the use of the funds of a trade union in connection with the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind if the main purpose of the meeting or of the distribution of the literature or documents is the furtherance of statutory objects within the meaning of this Law.

(2) If any member of a trade union alleges that he is aggrieved by a breach of any rule made in pursuance of this section, he may complain to the Registrar and the Registrar after giving the complainant and any representative of the union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just under the circumstances; and any such order of the Registrar shall be binding and conclusive on all parties without appeal and shall not be removable into any court of Law, or restrainable by injunction, and on being recorded in the Supreme Court Registry may be enforced as if it had been an order of the Supreme Court.

(3) The political objects to which this section applies are the expenditure of money -

(a) on the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to a municipal council before, during or after the election in connection with his candidature or election; or

(b) on the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c) in connection with the registration of electors or the selection of a candidate for a municipal council; or

(d) on the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind.

(4) A resolution under this section approving political objects as an object of the union shall take effect as if it were a rule of the union and may be rescinded in the same manner and subject to the same provisions as such rule.

(5) The provisions of this section as to the application of the funds of a union for political purposes shall apply to a union which is in whole or in part an association or combination of other unions as if the individuals members of the component unions were members of that union and not the unions; but nothing in this section shall prevent any such component union from collecting from any of their members who are not exempt, on behalf of the association or combination, any contributions to the political fund of the association or combination.

(6) A ballot for the purposes of this section shall be taken in accordance with rules of the union to be approved for the purpose by the Registrar, but the Registrar shall not approve any such rules unless he is satisfied that every member has an equal right and, if reasonably possible, a fair opportunity of voting, and that the secrecy of the ballot is properly secure.

37.- (1) It shall not be lawful to require any trade union member to make any contribution to the political fund of a trade union unless, before he is first required to make such a contribution, he has delivered at the register office of the trade union, notice in writing in the form set out in the Second Schedule to this Law of his willingness to contribute to that fund and has not withdrawn the notice; and every member of a trade union who has not delivered such notice as aforesaid, or who having delivered such a notice, has withdrawn it, shall be deemed for the purposes of section 36 of this Law to be a member who is exempt from the obligation to contribute to a political fund of the union, and references in that section to a member who is so exempt shall be construed accordingly.

For the purposes of this sub-section, a notice may be delivered personally or by an authorised agent and any notice shall be deemed to have been delivered at the register office of a trade union if it has been sent by post properly addressed to that office.

(2) all contributions to the political fund of a trade union from the members of the trade union who are liable to contribute to that fund shall be levied and made separately from any contributions to the other funds of the trade union and no assets of the trade union other than the amount raised by such a separate levy as aforesaid, shall be carried to that fund, and no assets of a trade union other than those forming part of the political fund shall be directly or indirectly applied or charged in furtherance of any political objects to which section 36 of this Law applies; and any charge in contravention of this sub-section shall be void.

38. An injunction restraining any authorised or unlawful expenditure of the funds of a trade union may be granted on the application of any person having a sufficient interest in the relief sought, or of the Attorney-General.

39.- (1) Every treasurer of registered trade union and every other officer thereof who is responsible for the accounts of the union or for the collection, disbursement, custody or control of the funds or moneys thereof, shall, upon resigning or vacating his office and at least once in every year at such time as may be specified by the rules of the union and at any other times at which he may be required to do so by a resolution of the members of the union or by the rules thereof, rendered to the union and its members a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office or if he has previously rendered an account since the last day upon which he rendered such account, and of the balance remaining in his hand, at the time of rendering such account and of all bonds, securities or other property of the trade union entrusted to his custody or under his control.

(2) The union shall cause every account rendered under the provisions of the last preceding sub-section to be audited by some fit and proper person approved by the Registrar.

(3) After the account has been audited, the treasurer or other officer referred to in sub-section (1) of this section shall forthwith hand over to the trustees of the union, if required by them to do so, such balance as appears to be due from him and also, if so required, all bonds, securities, effects, books, papers and property of the union in his hands or custody or otherwise under his control.

40.-, (1) A general statement of the receipts funds, effects and expenditures of every trade union registered under this Law shall be transmitted to the Registrar before the thirty first day of January in every year, and shall show fully the assets and liabilities at the preceding 31st day of December, and the receipts and expenditure during the year preceding the date to which it is made out, of the trade union; and shall show separately the expenditure in respect of the several objects of the trade union, and shall be prepared and made out in such form and shall comprise such particulars, as the Registrar may from time to time require; and every member of, and depositor in, any such trade union shall be entitled to receive, on application to the treasurer or secretary of that trade union, a copy of such general statement, without

making any payment for the same.

Together with such general statement there shall be sent to the Registrar a copy of all alteration of rules and new rules and a statement of changes of officers made by the trade union during the year preceding the day up to which the general statement is made out, and a copy of the rules of the trade union as they exist at that day.

(2) Every trade union which fails to comply with or acts in contravention of this section, and also every officer of the trade union so failing, shall each be liable to a fine not exceeding five pounds for each offence.

(3) Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement, or in or from the return of such copies of rules or alterations of rules, shall be liable to a fine not exceeding fifty pounds for each offence.

41. In addition to the provisions of this Law relating to the rendering of accounts, the Registrar may at any time call upon the treasurer, committee of management or other proper officer of a registered trade union to render detailed accounts of the funds of the trade union in respect of any particular period; such accounts shall show in detail such information as the Registrar may require.

42. The account books of a registered trade union and a list of the members thereof shall be open to inspection by any officer or member of the trade union at such times as may be provided for in the rules of the trade union.

PART VII

RIGHTS AND LIABILITIES OF TRADE UNIONS

43. Subject to the provisions of section 64 of this Law, a trade union shall not enjoy any of the rights, immunities or privileges conferred by this law until it is registered under this law.

44. The purposes of any registered trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

45. The purposes of any registered trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

46.- (1) An agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be triable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any Law.

(4) Nothing in this section shall affect the Law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the State or the Sovereign.

(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

(6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months or such longer time, if any, as may have been prescribed by the law for the punishment of the said act when committed by one person.

47. No suit or other legal proceedings shall be maintainable against any registered trade union or any officer or member thereof in respect of any act done in contemplation or in furtherance of a trade dispute to which a member of the trade union is a party on the ground only that such act induces some other person to break a contract of employment or that it is an interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

48. Nothing in this law shall enable any Court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements namely -

(a) any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ or be employed;

(b) any agreement for the payment by any person of any subscription or penalty to a trade union.

(c) any agreement for the application of the funds of a trade union -

(i) to provide benefits to members, or

(ii) to furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union, or

(iii) to discharge any fine imposed upon any person by sentence of a court of Law;

(d) any agreement made between one trade union and another; or

(e) any bond to secure the performance of any of the above mentioned agreements.

Nothing in this section shall be deemed to constitute any of the above mentioned agreements unlawful.

49. - (1) An action against a registered trade union, or against any members or officers thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any Court.

(2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by section 32 of this Law, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

50.- (1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a registered trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working:

Provided that it shall not be lawful for one or more persons (whether acting on their own behalf or on behalf of a registered trade union or of an individual employer or firm, and notwithstanding that they may be acting in contemplation or furtherance of a trade dispute) to attend at or near a house or place where a person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working, if they so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace; and any person who acts in contravention of the proviso shall be liable on conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months.

(2) In this section the expression "to intimidate" means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependents or of violence or damage to any person or property and the expression "injury" includes injury to a person in respect of his business, occupation, employment or other source of income and includes any actionable wrong.

51. -(1) Every person who with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority:-

(a) uses violence to or intimidates such other person or his wife or children, or injures his property; or

(b) persistently follows such other person about from place to place; or
(c) hides any tools, cloths or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
(d) watches or besets the house or other place where ^{such} other person resides or works or carries on business or happens to be or the approach to such house or place; or
(e) follows such other person with two or more other persons in a disorderly manner in or through any street or road,
shall be guilty of an offence punishable with a fine not exceeding twenty pounds or with imprisonment for a term not exceeding three months.

(2) Attending at or near any house or place in such manners or in such manners as is by the proviso to sub-section (1) of section 50 declared to be unlawful shall be deemed to be a watching and besetting of that house or place within the meaning of this section.

52.- (1) It is hereby declared -

(a) that any strike is illegal if it -
(i) has any object other than or in addition to the furtherance of a trade dispute with the trade or industry in which the strikers are engaged, and

(ii) is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community; and

(b) that any lock-out is illegal if it -
(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the employers locking out are engaged, and

(ii) is a lock-out designed or calculated to coerce the Government either directly or by the inflicting hardship upon the community:

And it is further declared that it is illegal to commence, or continue, or to apply any sums in furtherance or support of, any such illegal strike or lock-out.

For the purposes of the foregoing provisions -

(a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen or between workmen and workmen, in that trade or industry which is connected with the employment or non-employment of the terms of the employment, or with the conditions of labour of persons in that trade or industry; and

(b) without prejudice to the generality of the expression "trade or industry" workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with agreements made with the same employer or group of employers.

(2) If any person declares, instigates or incites others to take part in or otherwise acts in furtherance of a strike or lock-out, declared by this section to be illegal, he shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment not exceeding one year:

Provided that no person shall be deemed to have committed an offence under this section, by reason only of his having ceased work or refused to continue to work or to accept employment.

(3) A strike or lock-out shall not be deemed to be calculated to coerce the Government unless such coercion ought reasonably to be expected as a consequence thereof.

(4) The rights, immunities and privileges conferred upon a registered trade union by this law shall not apply to any act done in contemplation or furtherance of a strike or lock-out which is by this section declared to be illegal, and any such act shall not be deemed for the purposes of this Law to be done in contemplation or furtherance of a trade dispute.

53.- (1) No person refusing to take part or to continue to take part in any strike or lock-out which is by section 52 of this Law declared to be illegal, shall be by reason of such refusal or by reason of any action taken by him under this section, subject to expulsion from any trade union or to any fine or penalty, or to deprivation of any right or benefit to which or his legal personal representatives would otherwise be entitled, or liable to be placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the trade union anything to the contrary in the rules of a trade union notwithstanding.

(2) No provisions of this Law limiting the proceedings which may be entertained by any Court, and nothing in the rules of the trade union requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any writ or exemption secured by this section.

54. In any civil or criminal proceedings in which a registered trade union is a party such trade union may appear in such proceedings any one of its officers or by an advocate.

PART VIII OFFENCES AND PENALTIES

55. If any officer, member or other person, being or representing himself to be a member of a trade union registered under this Law, or the nominee, executor, administrator or assignee of a member thereof, or any person whatsoever by false representation or in position, obtains possession of any moneys, securities, books, papers or other effects of such trade union, or, having the same in his possession, wilfully withholds or fraudulently misapplies the same, or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of such trade union or any part thereof, a Judge of a District Court upon a complaint made by any person on behalf of such trade union or by the Registrar may by summary order, order such officer, member or other person to deliver up all such moneys securities, books, papers or other effects to the trade union

or to repay the amount of money applied improperly, and to pay, if the Judge of the District Court thinks fit, a further sum of money not exceeding twenty pounds together with costs not exceeding twenty shillings; and in default of such delivery of effects or repayment of such amount of money or payment of such fine and costs the Judge of the District Court may order the person so convicted to be imprisoned for any term not exceeding three months:

Provided that:-

(a) nothing herein contained shall prevent ~~them~~ the said trade union from otherwise proceeding against the party aforesaid; and

(b) no person shall be otherwise proceeded against if a conviction shall have been previously obtained for the same offence under the provisions of this Law.

56. Any person who, with intent to deceive, gives to any member of a registered trade union or to any person intending or applying to become a member of such trade union any document purporting to be a copy of the rules of the trade union or of any alteration thereto which he knows, or has reason to believe, is not a correct copy of such rules or alterations as are for the time being in force, or any person who with the like intent, gives a copy of any rules of an unregistered trade union to any person on the pretence that such rules are the rules of a registered trade union, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

57. If default is made on the part of any registered trade union in doing any act, in giving any notice, or in sending any statement, return or other document as required by this Law or by the regulations made thereunder, every officer or other person bound by the rules of the trade union or under the provisions of this Law or the regulations made thereunder to do such act, to give such notice, or to send such statement, return or document, or, if there is no such officer or person every member of the committee of management of that registered trade union shall severally be guilty of an offence and shall on conviction be liable to a fine not exceeding twentyfive pounds.

58. No prosecution shall be instituted under this Law except by, or at the instance of, or with the written consent of, the Attorney-General.

PART IX

REGULATIONS

59.- (1) The Governor in Council may from time to time make regulations for the better carrying this Law into effect.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (I) of this section, the Governor in Council may make regulations for or in respect of all or any of the following matters:-

- (a) all matters stated or required in this Law to be prescribed;
- (b) the qualifications of persons by whom the accounts of registered trade unions may be audited;
- (c) the conditions subject to which inspection of documents kept by the Registrar shall be allowed and the fees which shall be chargeable in respect of such inspection;
- (d) the manner in which trade union funds may be invested;
- (e) the books and registers to be kept for the purposes of this Law and the forms thereof;
- (f) the submission to the Registrar of a list of the members of a trade union.

PART X.

GENERAL.

60. The fact that any trade union has been registered, the fact that the certificate of registration of any registered trade union has been withdrawn or cancelled, the fact that any change of name or amalgamation affecting any registered trade union has been registered, and the fact that any registered trade union has been dissolved shall be notified by the Registrar in the Gazette.

61. Every summons, notice or other document required to be served on a trade union in any civil or criminal proceeding shall be deemed to be duly served if it is delivered at the registered office of the trade union; Provided that such service is otherwise in compliance with the requirements of any other Law.

62. The Registration of Clubs Law, 1930, and the Registration of Clubs (Amendment) Law, 1933, shall not apply to trade unions registered under this Law.

63. The companies (Limited Liability) Laws, 1922 to 1940, shall not apply to any trade union and the registration of any trade union under those Laws shall be void.

64. The Trade Union Law, 1932, is hereby repealed: Provided that any trade union registered under the said Law shall, subject to application being made for registration in conformity with the provisions of sections 8 and 9 of this Law, continue to enjoy all the rights, immunities and privileges conferred upon a trade union registered under the Law hereby repealed until such time as registration is made or finally refused under the provisions of this Law.

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FIRST SCHEDULE

(Section 19.)

MATTERS FOR WHICH PROVISION MUST BE MADE IN THE RULES OF EVERY REGISTERED TRADE UNION.

1. The name of the trade union and the head office and any other place of meeting for the business of the trade union and the trade or calling to which the trade union relates.
2. The objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, the conditions under which any member thereof may become entitled to any benefit assured thereby, the subscriptions and dues if any to be paid by any member and the form of receipt to be given to members therefor, and the fines and forfeitures to be imposed on any member.
3. The manner of making, altering, amending and rescinding rules.
4. The appointment or election of committees of management trustees, secretaries, treasurers and other officers of ~~union~~ the trade union from among the members of the trade union, and the removal thereof.
5. The restricting of the appointment or election to committees of management, of trustees, secretaries, treasurers and other officers of the trade union to persons who are not the holders of an appointment or office in any other trade union.
6. The custody and investment of the funds of the trade union, and the designation of the officer or officers responsible therefor.
7. The rendering of accounts, the audit of accounts and the annual presentation of an audited statement of accounts to a conference of members or of delegates.
8. The holding of an annual or more frequent periodical conference of members of ~~and~~ delegates.
9. The keeping and maintenance of a membership roll, and the inspection thereof by members.
10. The inspection of the books and records of the trade union by any person having an interest in the funds of the trade union.
11. The manner of dissolution of the trade union and the disposal of the funds thereof available at the time of dissolution.
12. The taking of any decisions by secret ballot.

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SECOND SCHEDULE.
(Section 37.)

FORM OF POLITICAL FUND CONTRIBUTION NOTICE.

Name of trade union.....
Name of member's branch (if any).....

POLITICAL FUND (CONTRIBUTION NOTICE).

I hereby give notice that I am willing and agree to contribute to the Political Fund of the Union and I understand that I shall, in consequence, be liable to contribute to that Fund and shall continue to be so liable unless I deliver at the registered office of the union a written notice of withdrawal.

.....
Address

Membership number (if any).....

.....day of, 19.....

A LAW TO MAKE PROVISION FOR THE FIXING OF MINIMUM WAGES.

J. V. W. SHAW, 19th November , 1941
Officer Administering the Government.

1. This Law may be cited as the Minimum Wage Law, 1941.

2. In this Law unless the context otherwise requires the term "minimum wage" means the minimum rate of wages fixed as hereinafter provided in respect of the particular occupation followed by the person concerned and applicable to that person.

3.-(1) The Governor in Council may by Order published in the Gazette fix minimum rates of wages for any occupation in the Colony either generally or in any specified area, place or district in any case in which he is satisfied that the wages being paid to any persons employed in any such occupation are unreasonably low.

(2) The Governor in Council may by Order vary or cancel a minimum wage.

(3) Any minimum wage fixed as aforesaid or the cancellation or variation of any such wage shall become effective as from the date specified in that behalf in the Order.

4.-(1) The Governor In Council may where he considers it advisable appoint Advisory Boards to consider the wages paid for any occupation.

(2) The Governor in Council may make regulations as to the constitution, appointment, powers and duties of Advisory Boards.

MINIMUM WAGE LAW

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5.--(1) Where any minimum wage has been fixed by the Governor in Council under this Law an employer shall, in cases to which the minimum wage is applicable, pay wages to the person employed at not less than the minimum wage and if he fails so to do shall be liable on conviction in respect of each offence to a fine not exceeding twenty pounds, and to an additional fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

(2) On the conviction of an employer under the provisions of the preceding sub-section the Court may by the conviction adjudge the employer convicted to pay in addition to any fine such sum as appears to the Court to be due to the person employed on account of wages, calculated on the basis of the minimum wage:

Provided that the power to order the payment of wages under this sub-section shall not be in derogation of any right of the person employed to recover wages by any other proceedings.

6.- (1) Where an employer has been convicted under section 5 for failing to pay wages at not less than the minimum wage to any worker, then, if notice of intention so to do has been served within three days next before the hearing of the information or complaint, evidence may be given of any failure on the part of the employer to pay wages at not less than the minimum wage to that worker at any time subsequent to the coming into operation of the minimum wage and within the two years immediately preceding the date on which the information or complaint was laid, and on proof of the failure the Court may order the employer to pay such sum as in the opinion of the Court represents the difference between the amount which having regard to the provisions of this Law ought properly to have been paid to the worker by way of wages during those years and the amount actually paid.

(2) Where it appears to the Attorney-General that any sum is due by an employer to a worker by reason of the fact that wages have been paid to that worker at less than the minimum wage applicable, and that it is not possible to recover the sum so appearing to be due, or part of that sum, by means of proceedings under section 5, the Attorney-General may, if it appears expedient so to do by reason of the refusal or neglect of the worker to take the necessary proceedings, on behalf of and in the name of the worker institute civil proceedings before a Court of competent jurisdiction for the recovery of the said sum:

Provided always that the Court before which any such civil proceedings are instituted shall have the same power to make an order for the payment of costs by the Attorney-General as if the Attorney-General were a party to the proceedings.

7.--(1) Where an offence for which an employer is by virtue of this Law liable to a penalty has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of the employer, and shall be liable on conviction to the same punishment as that to which

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the employer is liable.

(2) Where the employer who is charged with an offence against this Law proves to the satisfaction of the Court that he has used due diligence to enforce the execution of this Law, and that the offence was in fact committed by his agent or some other person without his knowledge, consent or connivance he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any penalty in respect of the offence, without prejudice, however, to the power of the Court under this Law to adjudge him to pay any sum which appears to the Court to be due to the person employed on account of wages.

(3) Where the immediate employer of any worker to whom a minimum wage applies is himself in the employment of some other person and that worker is employed on the premises of that other person that other person shall for the purpose of the provisions of this Law relating to the the penalty for not paying wages in accordance with the minimum wage be deemed to be an employer of the worker jointly with immediate employer.

8.-(1) Where a worker in any trade being a person to whom a minimum wage fixed under this Law applies is an apprentice or learner it shall not be lawful for his employer to receive directly or indirectly from him or on his behalf or on his account any payment by way of premium:

Provided that nothing in the foregoing provisions shall apply to any such payment duly made in pursuance of any instrument of apprenticeship executed not later than four weeks after the commencement of the employment.

(2) If any employer acts in contravention of the provisions of sub-section (1) of this section he shall be liable on conviction in respect of each offence to a fine not exceeding twenty pounds, and the Court may by the conviction in addition to imposing a fine adjudge him to pay to the worker or other person by whom the payment was made the sum improperly received by way of premium.

9. For the purpose of calculating the amount of the wages payable in the case of a worker employed on any work for which a minimum wage has been fixed, the worker shall be deemed to have been employed during all the time during which he was present on the premises of the employer, unless the employer proves that he was so present without the employer's consent express or implied, or that he was so present for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform:

Provided that-

(a) where a worker resides on the premises of the employer he shall not be deemed to be employed during any time during which he is present on the premises by reason only of the fact that he is so resident; and

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- (b) a worker while present during normal meal times in a room or place in which no work is being done shall be deemed to be present for a purpose unconnected with his work.

10. Any shop-keeper, dealer or trader who by way trade makes any arrangements express or implied with any worker in pursuance of which the worker performs any work for which a minimum wage has been fixed under this Law shall be deemed for the purpose of this Law to be the employer of the worker and the net remuneration obtainable by the worker in respect of the work after allowing for his necessary expenditure in connection with the work shall be deemed to be wages.

11. On any prosecution of a person for failing to pay wages at not less than the minimum wage, it shall lie on that person to prove that he has not paid wages at less than the minimum wage.

12. It shall be the duty of every employer in an occupation to which a minimum wage is applicable, to keep such records of wages as are necessary to show that the provisions of this Law are being complied with with respect to persons in his employment, and if he fails so to do he shall be liable on conviction in respect of each offence to a fine not exceeding five pounds, and also to an additional fine of two pounds for each day during which the omission continues after conviction.

13.-(1) The Governor may appoint such officers as he may think necessary for the purpose of investigating any complaints and otherwise securing the proper observance of the provisions of this Law.

(2) Any such officer shall have power-

- (a) to enter at any time during business hours upon the premises of an employer wherein an occupation to which a minimum wage is applicable is being carried on and to require the production of wage sheets or other record of wages by any such employer and to inspect and examine same and copy any material part thereof;
- (b) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Law any person whom he finds in any premises wherein an occupation to which a minimum wage is applicable is being carried on, or whom he has reasonable cause to believe to be or to have been a worker in any occupation to which a minimum wage is applicable, and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined.

(3) If any person hinders or molests any officers, In the

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exercise of the powers given by this section or fails or refuses to produce any wage sheet or any other record of wages that person shall be liable on conviction in respect of each offence to a fine not exceeding five pounds; and if any person makes or causes to be made or knowingly allows to be made any wages sheet or record of wages or record of payments which is false in any material particular or produces or causes to be produced or knowingly allows to be produced any such sheet or record to any officer acting in the exercise of the powers given by this section, knowing the same to be false, or furnishes any information to any such officer knowing the same to be false, he shall be liable on conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.
